



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: METCALFE, et al.

Serial No: 09/964,242

Group Art Unit: 2851

Filed: September 26, 2001

Examiner: Michelle P. Nguyen

Att. Docket No.: L1063/20005

Confirmation No.: 1829

For: LIGHT SOURCE FOR OPEN PATH GAS MONITORING

**AMENDMENT, PETITION AND FEE TO ADD NAME OF INVENTOR NOT NAMED  
IN DECLARATION-NON-PROVISIONAL APPLICATION- 37 §1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. This amendment and petition is to correct the original incorrect naming of inventors in the declaration under 37 CFR §1.48(a) as set forth and filed on September 26, 2001.

2. Addition of Inventor

Add the following previously unnamed person as an inventor of this application:

**RICHARD A. HOVAN**

3. Attachments

Attached are:

(a) A statement from Richard Hovan who is being added as an inventor that the error in inventorship occurred without deceptive intent on his part. 37 CFR §1.48(a)(2);

(b) A combined inventor declaration/power of attorney executed by each of the actual inventors as required by 37 CFR §1.63;

(c) an Application Data Sheet

10/31/2003 HDEMESS1 00000095 030075 09964242

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October 28, 2003  
Application No. 09/964,242  
Page - 2 -

(d) A written assent of the Assignee, namely, Land Instruments International, Inc., as required by 37 CFR §1.48(a)(4), including a Statement Under 37 CFR §3.73(b) and a copy of an assignment from each of the correct inventors to Land Instruments International, Inc.

4. Fee Payment (37 CFR §1.17(i)).

Attached herewith is a Fee Transmittal Sheet authorizing the payment of the fee under 37 CFR §1.17(i).

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD

By

  
Scott M. Slomowitz

Registration No. 39,032

Customer No. 03000

(215) 567-2010

Attorneys for Applicants

October 28, 2003

Please charge or credit our Account  
No. 03-0075 as necessary to effect  
entry and/or ensure consideration of  
this submission.



Attorney Docket No. L1063/20005  
Customer No. 03000  
**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Applicants : Metcalfe, et al.  
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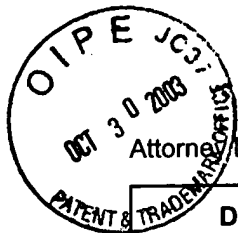
**STATEMENT BY INVENTOR BEING ADDED TO APPLICATION UNDER  
37 CFR §1.48(a)(2)**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I, RICHARD A. HOVAN, hereby state that the inventorship error occurred without  
deceptive intention on my part.

Sept. 19, 2003

By Richard A. Hovan  
RICHARD A. HOVAN



Attorney Docket No. L1063/20005

Substitute for Forms PTO/SB/01A (10-01) and PTO/SB/81 (02-01)  
CRBCP 04-24-2002**DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY FOR UTILITY OR DESIGN  
APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention:** LIGHT SOURCE FOR OPEN-PATH GAS MONITORING

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 09/964,242, filed on September 26, 2001,  
as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the practitioners at Customer No. 03000 as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith. Please change the correspondence address for the above-identified application to Customer No. 03000.

**\*03000\***  
**03000**

U.S. PATENT &amp; TRADEMARK OFFICE

**FULL NAME OF INVENTOR(S)**Inventor one: Richard HovanCitizen of: United StatesSignature: *Richard Hovan*Date: 10/27/03Inventor two: Stuart F. MetcalfeCitizen of: United KingdomSignature: *Stuart F. Metcalfe*Date: 6<sup>th</sup> Oct 2003.Inventor three: Derek D. StuartCitizen of: United KingdomSignature: *DD Stuart*Date: 6 Oct 2003

Inventor four: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Additional inventors are being named on \_\_\_ additional form(s) attached hereto.

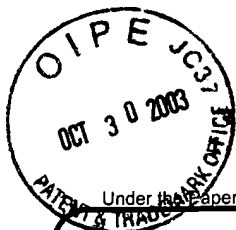


Image 28514

PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	09/964,242
Filing Date	September 26, 2001
First Named Inventor	Metcalfe
Examiner Name	Nguyen
Art Unit	2851
Attorney Docket No.	L1063/20005

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Fee Payment 37CFR 1.17(i)					130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type)	Scott M. Slomowitz, Esq.	Registration No. (Attorney/Agent)	39,032	Telephone	215-567-2010
Signature	<i>Scott M. Slomowitz</i>	Date	10/28/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Attorney Docket No. L1063/20005**  
**Customer No. 03000**  
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Applicants : Metcalfe, et al.  
Serial No. : 09/964,242  
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MONITORING  
Group Art No. : 2851  
Examiner : Michelle P. Nguyen

**ASSENT OF ASSIGNEE TO ADDITION OF INVENTOR**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Name of Assignee:**

Land Instruments International, Inc.

**Address of Assignee:**

10 Friends Lane  
Newtown, Pennsylvania 18940

**Assignee hereby assents to the addition of Richard A. Hovan as an  
inventor.**

**PERSON AUTHORIZED TO SIGN**

I, William Furan, President for the Assignee, aver that I am empowered to sign  
this Assent on behalf of the Assignee.  
*Foran W.F. 10-21-03*

A Statement Under 37 CFR §3.73(b) is attached.

LAND INSTRUMENTS INTERNATIONAL, INC.

OCTOBER 21, 2003

By



William Furan, President

*Foran W.F. 10-21-03*



Attorney Docket No. L1063/20005  
Customer No. 03000  
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Examiner : Michelle P. Nguyen

**STATEMENT UNDER 37 CFR §3.73(b)**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

The Assignee of the entire right, title and interest hereby seeks to take action in  
the Patent and Trademark Office in this matter.

**IDENTIFICATION OF ASSIGNEE**

Land Instruments International, Inc.  
10 Friends Lane  
Newtown, Pennsylvania 18940



### **PERSON AUTHORIZED TO SIGN**

I, William Furan, President for the Assignee, aver that I am empowered to sign  
this statement on behalf of the Assignee.  
Furan W 10-21-03

### **BASIS OF ASSIGNEE'S INTEREST**

All right, title and interest in and to Application Serial No. 09/964,242 have been transferred to the Assignee by the inventors, namely, Stuart F. Metcalfe, Derek D. Stuart and Richard A. Hovan, in written assignments (copies of which are attached as Exhibit A) which are being filed concurrently herewith for recordation in the U.S. Patent & Trademark Office.

### **DECLARATIONS**

I, William Furan, hereby declare that all statements made herein of my own  
knowledge are true, and that all statements made on information and belief are believed  
to be true; and further, that these statements are made with the knowledge that willful  
false statements, and the like so made, are punishable by fine or imprisonment, or both,  
under Section 1001, Title 18 of the United States Code, and that such willful false  
statements may jeopardize the validity of any patent issuing thereon.  
Furan W 10-21-03

LAND INSTRUMENTS INTERNATIONAL, INC.

OCTOBER 21, 2003

By

  
William Furan, President  
Furan W 10-21-03

## **ASSIGNMENT OF INVENTION**

WHEREAS, I, Richard A. Hovan, residing at 70 Old Dublin Pike, Apt. H-17, Doylestown, PA, 18901, along with Stuart F. Metcalfe and Derek D. Stuart, have made a certain new and useful invention in the LIGHT SOURCE FOR OPEN-PATH GAS MONITORING (hereinafter "invention"), and have filed a U.S. Patent Application in the United States Patent and Trademark Office on September 26, 2001 and assigned Application Serial No. 09/964,242;

WHEREAS, I, Richard A. Hovan am an employee of LAND INSTRUMENTS INTERNATIONAL, INC., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and having an office and place of business at 10 Friends Lane, Newtown, PA 18940;

WHEREAS, I, Richard A. Hovan, am under an obligation to assign all rights related to the said invention to LAND INSTRUMENTS INTERNATIONAL INC.;

WHEREAS, LAND INSTRUMENTS INTERNATIONAL, INC. is desirous of acquiring my entire right, title and interest in and to the invention and all improvements thereon which may be made, conceived or acquired by me, pursuant to my obligation to LAND INSTRUMENTS INTERNATIONAL, INC., in and throughout the United States and its territories and in and to said applications for Letters Patent and in and to any and all Letters Patent of the United States which have been granted or may be granted on said invention or any part thereof, or any improvements thereon.

NOW, THEREFORE, IN CONSIDERATION of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, I, Richard A. Hovan, by these presents do sell, assign and transfer unto the said LAND INSTRUMENTS INTERNATIONAL, INC., my entire right, title and interest in and throughout the United States and its territories in and to said invention and any improvements thereon which may be made, conceived or acquired by me pursuant to my employment by LAND INSTRUMENTS INTERNATIONAL, INC., and for one year thereafter, in and to said application for Letters Patent and any and all Letters Patent and extensions thereof of the United States which have been or may be granted on said invention or any part thereof, or any improvements thereon or on said application, or any divisional, continuing, renewal, reissue, or other application and all international priority rights associated therewith, based in whole or in part thereon, or based upon said invention, or any improvements thereon;

TO BE HELD AND ENJOYED by the said LAND INSTRUMENTS INTERNATIONAL, INC., and its legal representatives and assigns to the full ends of the terms for which said Letters Patent, or any of them, have been granted or may be granted as fully and entirely as the same would have been held and enjoyed by me and LAND INSTRUMENTS INTERNATIONAL, INC. had no sale and assignment of said interest been made; and I and LAND INSTRUMENTS INTERNATIONAL, INC. do hereby authorize and request the Commissioner for Patents and Trademarks to issue any and all Letters Patent which may be granted upon the said invention above referred to, or any of them, or upon said invention or any part thereof, or upon any improvements thereon which may be made, conceived or acquired by me pursuant to my employment by LAND INSTRUMENTS

INTERNATIONAL, INC. and for one year thereafter, and I hereby agree for myself, my heirs, executors and administrators, to execute without further consideration, any further legal documents and any further assignments and any releases, reissues, renewals or other applications for Letters Patent that may be deemed necessary by the LAND INSTRUMENTS INTERNATIONAL, INC. herein named, fully to secure to the said LAND INSTRUMENTS INTERNATIONAL, INC. its interest as aforesaid in and to said invention or any part thereof or any improvements thereon, and in and to said several Letters Patent, or any of them.

I do hereby covenant for myself and my legal representatives, and agree with LAND INSTRUMENTS INTERNATIONAL, INC., and its legal representatives, that I have granted no license to make or sell the said invention, that prior to the execution of this deed my entire right, title and interest in the said invention has not been encumbered, that I then had good right and title in and to the invention and that I have not executed and will not execute any instrument in conflict therewith.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this

19 day of Sept, 2003.


  
RICHARD A. HOVAN

COMMONWEALTH OF PENNSYLVANIA :

: SS:

COUNTY OF BUCKS :

Before me personally appeared said Richard A. Hovan and acknowledged the foregoing instrument to be his free act and deed, this 19 day of September, 2003.

  
Notarial Seal  
Michael DeBonis, Notary Public  
Newtown Twp., Bucks County  
My Commission Expires Apr. 23, 2006  
Member, Pennsylvania Association of Notaries

## **ASSIGNMENT OF INVENTION**

WHEREAS, we, Stuart F. Metcalfe and Derek D. Stuart, residing at 16 Woodland Drive, Sheffield S12 3HW, South Yorkshire, United Kingdom and 5 Springbank, Unstone, Dronfield S18 4AD, Derbyshire, United Kingdom, respectively, along with Richard A. Hovan, have made a certain new and useful invention in the LIGHT SOURCE FOR OPEN-PATH GAS MONITORING (hereinafter "invention"), and have filed a U.S. Patent Application in the United States Patent and Trademark Office on September 26, 2001 and assigned Application Serial No. 09/964,242;

WHEREAS, we, Stuart F. Metcalfe and Derek D. Stuart are employees of LAND INSTRUMENTS INTERNATIONAL, INC., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and having an office and place of business at 10 Friends Lane, Newtown, PA 18940;

WHEREAS, we, Stuart F. Metcalfe and Derek D. Stuart, are under an obligation to assign all rights related to the said invention to LAND INSTRUMENTS INTERNATIONAL INC.;

WHEREAS, LAND INSTRUMENTS INTERNATIONAL, INC. is desirous of acquiring our entire right, title and interest in and to the invention and all improvements thereon which may be made, conceived or acquired by us, pursuant to our obligation to LAND INSTRUMENTS INTERNATIONAL, INC., in and throughout the United States and its territories and in and to said applications for Letters Patent and in and to any and all Letters Patent of the United States which have been granted or may be granted on said invention or any part thereof, or any improvements thereon.

NOW, THEREFORE, IN CONSIDERATION of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we, Stuart F. Metcalfe and Derek D. Stuart, by these presents do sell, assign and transfer unto the said LAND INSTRUMENTS INTERNATIONAL, INC., our entire right, title and interest in and throughout the United States and its territories in and to said invention and any improvements thereon which may be made, conceived or acquired by us pursuant to our employment by LAND INSTRUMENTS INTERNATIONAL, INC., and for one year thereafter, in and to said application for Letters Patent and any and all Letters Patent and extensions thereof of the United States which have been or may be granted on said invention or any part thereof, or any improvements thereon or on said application, or any divisional, continuing, renewal, reissue, or other application and all international priority rights associated therewith, based in whole or in part thereon, or based upon said invention, or any improvements thereon;

TO BE HELD AND ENJOYED by the said LAND INSTRUMENTS INTERNATIONAL, INC.. and its legal representatives and assigns to the full ends of the terms for which said Letters Patent, or any of them, have been granted or may be granted as fully and entirely as the same would have been held and enjoyed by us and LAND INSTRUMENTS INTERNATIONAL, INC. had no sale and assignment of said interest been made; and we and LAND INSTRUMENTS INTERNATIONAL, INC. do hereby authorize and request the Commissioner for Patents and Trademarks to issue any and all Letters Patent which may be granted upon the said invention above referred to, or any of them, or upon said invention or any part thereof, or upon any improvements thereon which may be made, conceived or acquired by us pursuant to our employment by LAND

INSTRUMENTS INTERNATIONAL, INC. and for one year thereafter, and we hereby agree for ourselves, our heirs, executors and administrators, to execute without further consideration, any further legal documents and any further assignments and any releases, reissues, renewals or other applications for Letters Patent that may be deemed necessary by the LAND INSTRUMENTS INTERNATIONAL, INC. herein named, fully to secure to the said LAND INSTRUMENTS INTERNATIONAL, INC. its interest as aforesaid in and to said invention or any part thereof or any improvements thereon, and in and to said several Letters Patent, or any of them.

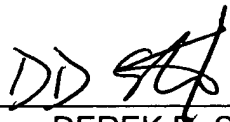
We do hereby covenant for ourselves and our legal representatives, and agree with LAND INSTRUMENTS INTERNATIONAL, INC., and its legal representatives, that we have granted no license to make or sell the said invention, that prior to the execution of this deed our entire right, title and interest in the said invention has not been encumbered, that we then had good right and title in and to the invention and that we have not executed and will not execute any instrument in conflict therewith.



IN WITNESS WHEREOF, I, STUART F. METCALFE, have hereunto affixed my hand and seal this 6 day of October, 2003 and further declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

 (SEAL)  
STUART F. METCALFE

IN WITNESS WHEREOF, I, DEREK D. STUART, have hereunto affixed my hand  
and seal this 6 day of October, 2003 and further declares under penalty of  
perjury under the laws of the United States of America that the foregoing is true and  
correct.

  
\_\_\_\_\_  
DEREK D. STUART (SEAL)